



Inspectional Services

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MEMORANDUM

To: Town Meeting Members
From: Mike Ciampa
Director of Inspectional Services
Date: May 5, 2023
Re: Article 30 Zoning Bylaw Amendment / One and Two-Family Usable Open Space

Discussions during Wednesday night's town meeting made it clear that there is some confusion regarding the Usable Open Space regulation in relation to parking and driveway regulations for one and two-family dwellings. Hopefully, the information provided will help clarify what each regulation requires and how they function independently.

Usable Open Space

Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet. Refer to Section 5.3.22.C. for how to calculate usable open space.

Simplified, this regulation provides outdoor areas that the occupants can use. Parking is prohibited in these areas, not as a supplement to the parking regulations, but to maintain the usability of the areas.

Off-Street Parking

Parking regulations in residential districts may seem complicated but ultimately can be explained through two sentences of the regulation and the Zoning Bylaw definition of driveway.

Section 6.1.10 Location of Parking Spaces, Subsection A Parking in Residential Districts, provides the regulations determining the allowable locations and dimensions for driveways and parking spaces. Please see below.

A. *Parking in Residential Districts.* *For single-family, two-family, duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front setback except on a driveway not exceeding 20 feet in width leading to the required parking space(s). Off-street parking is permitted in (1) the side yard and rear yard on a paved driveway or in the case of a corner lot of less than 6,000 square feet in the longer of the two front yards, up to a maximum of 24 feet in width, or (2) in an attached or detached garage, or (3) within the foundation of a dwelling, provided the garaging is specifically designed for that purpose. Any driveway leading to off-street parking on a lot cannot exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space. Side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes to minimize visual impacts.*

The first sentence of Section 6.1.10, Subsection A, provides that parking is not permitted in the front setback except on a driveway that meets the following conditions:

1. The driveway must lead to the required parking space(s).
2. The driveway can be no wider than twenty feet.

The second sentence of the same section provides that parking is permitted in the side yard and rear yard in the following locations:

1. A paved driveway.
2. An attached or detached garage.
3. Within the foundation of a dwelling in an area specifically designed for that purpose.

The Zoning Bylaw definition of driveway is - *An area on a lot which is open to the sky and which may be paved and not more than 20 feet wide, built for access to a garage or an off-street parking or loading space.*

Sentence one permits parking in the front yard under certain circumstances and on a driveway no wider than twenty feet. Sentence two permits parking in the side and rear yard under additional circumstances and on a driveway, which by definition can not be wider than twenty feet. Combined, these two conditions would irrefutably prohibit any single or two-family dwelling owner from paving their entire rear yard by right.

Michael Ciampa
Director of Inspectional Services